

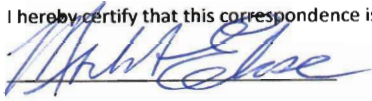
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Filing date: **04/13/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92055274
Party	Defendant JS Holdings, LLC
Correspondence Address	JS HOLDINGS LLC 6116 S LYNCREST AVENUE, SUITE 105 SIOUX FALLS, SD 57108 UNITED STATES
Submission	Answer
Filer's Name	Mark A Ekse
Filer's e-mail	mark@hwalaw.com
Signature	/Mark A Ekse/
Date	04/13/2012
Attachments	TTABAnswer13APR12.pdf (6 pages)(75590 bytes)

I hereby certify that this correspondence is being deposited electronically with the Trademark Trial and Appeal Board on the date shown below.



Mark A. Ekse, Attorney for Respondent.

Dated: April 13, 2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of:)	
)	
Trademark Registration No. 3452363)	
Registered: June 24, 2008)	
Mark: Juice Stop)	
)	
Trademark Registration No. 3638397)	
Registered: June 16, 2009)	
Mark: Juice Stop (stylized with design))	
)	
JUICE STOP, INC.)	
Petitioner)	
)	
v.)	Cancellation No. 92055274
)	
JS HOLDINGS, LLC)	
Respondent)	

ANSWER TO PETITION TO CANCEL

Respondent JS Holdings, LLC, ("Respondent") does hereby answer Petitioner Juice Stop, Inc. ("Petitioner") as follows:

Answering the preamble on page 1 of the Consolidated Petition for Cancellation, Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations concerning Petitioner's organization, location, and/or belief that it will be damaged by the continued registration of the JUICE STOP and JUICE STOP (stylized with design) (hereinafter collectively "JUICE STOP MARKS"), and therefore denies the same.

ANSWER TO CONSOLIDATED PETITION TO CANCEL

1. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations concerning the Petitioner's organization, and therefore denies the same.

2. Admitted.

3. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations concerning the Petitioner's business, and therefore denies the same.

4. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations concerning the Petitioner's business, and therefore denies the same.

5. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations concerning the Petitioner's business, and therefore denies the same.

6. Admitted.

7. Denied.

8. Respondent incorporates, by reference, each and every response contained in Paragraphs 1 through 7, above, as though set forth fully herein.

9. Denied.

10. Denied.

11. Denied.

12. Denied.

13. Denied.

Answering the conclusory statement at the bottom of Page 3, the Respondent Denies the same.

14. Respondent incorporates, by reference, each and every response contained in Paragraphs 1 through 13, above, as though set forth fully herein.

15. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations concerning the Petitioner's business, and therefore denies the same.

16. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations concerning the Petitioner's business, and therefore denies the same.

17. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations concerning the Petitioner's business, and therefore denies the same.

18. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations concerning the Petitioner's business, and therefore denies the same with regard to

Petitioner having established goodwill in conjunction with "JUICE STOP". Respondent Denies Petitioner is entitled to protection against registration of the JUICE STOP MARKS.

19. Respondent incorporates, by reference, each and every response contained in Paragraphs 1 through 18, above, as though set forth fully herein.

20. Denied.

21. Denied.

22. Denied.

AFFIRMATIVE DEFENSES

Respondent sets forth its affirmative defenses below. By setting forth these affirmative defenses, Respondent does not assume the burden of proving any fact, issue, or element of a cause of action where such burden properly belongs to Petitioner. Moreover, nothing stated herein is intended or shall be construed as an acknowledgement that any particular issue or subject matter is relevant to Petitioner's allegations.

FIRST AFFIRMATIVE DEFENSE

(Waiver or Estoppel)

Petitioner's action is barred by the doctrine of waiver or estoppel.

SECOND AFFIRMATIVE DEFENSE

(Laches or Acquiescence)

Petitioner's action is barred by the doctrine of laches or acquiescence.

THIRD AFFIRMATIVE DEFENSE

(Additional Affirmative Defenses)

Respondent hereby gives notice that it intends to rely on any additional affirmative defenses that become available or apparent during discovery and thus reserves the right to amend its answer to assert such additional affirmative defenses.

PRAYER FOR RELIEF

WHEREFORE, Respondent prays that Petitioner's Petition to Cancel United States Registration Nos. 3452363 and 3638397 for the JUICE STOP MARKS be denied.

Dated: April 13, 2012

Respectfully Submitted

By: 

Mark A. Ekse

Hagen, Wilka & Archer, LLP
600 S. Main Avenue, Ste 102
Sioux Falls, SD 57104
Telephone: 605-334-0005
Facsimile: 605-334-4814

Attorneys for Respondent
JS HOLDINGS, LLC

PROOF OF SERVICE BY MAIL

The undersigned declares and says as follows: my business address is 600 S. Main Avenue, Suite 102, Sioux Falls, SD 57104. I am employed in the City of Sioux Falls, and County of Minnehaha; I am over the age of 18 years, and I am not a party to this cause. I am readily familiar with this Business' practices for collection and processing of correspondence for mailing with the United States Postal Services. On the same day that a sealed envelope is placed for collection and mailing, it is deposited in the ordinary course of business with the United States postal Service with postage fully prepaid.

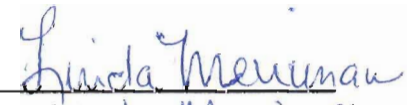
Date of Deposit: April 13, 2012

I served the within ANSWER TO CONSOLIDATED PETITION TO CANCEL on Petitioner and counsel for Petitioner at the following address:

Adam C. Rehm
SNR Denton US LLP
P.O. Box 061080
Chicago, IL 60606-1080

By placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, for deposit in the United States mail for collection and mailing on this day following the ordinary business practices of Hagen, Wilka & Archer, LLP.

I declare under penalty of perjury under the laws of the State of South Dakota that the foregoing is true and correct, and that this Declaration is executed in Sioux Falls, South Dakota, this 13th day of April, 2012.


By: Linda Merriman